

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

OLIVER LYONS

v.

CA 05-433 ML

ASHBEL T. WALL, WALTER WHITMAN,
DEPUTY HILTERMAN, WARDEN MCCAULEY,
DEPUTY KETTLE, CAPTAIN CLANCY,
CORRECTIONAL OFFICER LOMBARDI,
CORRECTIONAL OFFICER BARTHOLOMY,
CORRECTIONAL OFFICER DELANEY,
CORRECTIONAL OFFICER RAPOSA, and
CORRECTIONAL OFFICER BARNEY

MEMORANDUM AND ORDER

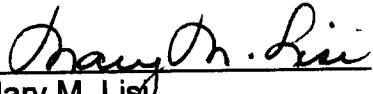
This matter is before the Court on Plaintiff's objections to a Report and Recommendation issued by Magistrate Judge Hagopian on January 24, 2006. After reviewing Plaintiff's objections and the Report and Recommendation, this Court finds that, with the exception of the Magistrate Judge's recommendation that Plaintiff's Eighth Amendment claim as to Defendant Lombardi be dismissed, all other recommendations should be adopted.

Accordingly, this Court adopts the Report and Recommendation insofar as it recommends:

1. That the Motion to Dismiss on Plaintiff's First Amendment retaliation claims as to Defendants Barney, Raposa and Delaney is DENIED;
2. That the Motion to Dismiss Plaintiff's First Amendment retaliation claim as to Defendants Wall, Whitman, Hilterman, McCauley, Kettle, Clancy, Lombardi and Bartholomy is GRANTED;

3. That the Motion to Dismiss on Plaintiff's Eighth Amendment claim premised on the assault by other inmate as to Defendant Lombardi is DENIED; and,
4. That the Motion to Dismiss as it relates to all other Eighth and Fourteenth Amendment claims is GRANTED.

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Mary M. Lisi", is written over a horizontal line.

Mary M. Lisi
United States District Judge
February 3, 2006